

### **Remarks**

Claims 1 and 3 are pending in the present application. Claims 1 and 3 stand rejected. Claim 1 has been amended.

#### **I. Rejection of Claims 1 and 3 Under 35 U.S.C. § 103(a)**

Claims 1 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai et al. (US 6,169,710) in view of Motoyama et al. (US 6,301,670). Applicant respectfully traverses this rejection.

Independent claim 1 (and thus dependent claim 3) have now been amended contain the requirement that the data overwrite logic attempts to write said data to the nearest possible track and sector which did not originally store said read data;

Nowhere in Arai et al. or Motoyama et al. is this feature discussed. Rewriting to the closest available sector or track will reduce excessive head travel as opposed to a reassign process that may move data to far away tracks and sectors and cause possible delays in reading. Sometimes it is not possible to overwrite the same track or sector because of damage or corruption and thus it is important that the data stay in a similar location on the disk to maintain reliability and performance.

In light of the amendments to independent claim 1 neither Arai et al. nor Motoyama et al. nor any combination of the two, discloses the invention substantially as claimed in claims 1 and 3, and should not be rejected under 35 U.S.C. § 103(a).

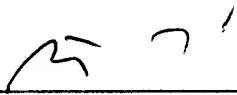
Applicants respectfully submit that any combination involving Arai et al. and Motoyama et al. is improper, and thus respectfully request the withdrawal of the obviousness rejection regarding claims 1 and 3 under 35 U.S.C. § 103(a).

### **Conclusion**

Applicants respectfully submit that all claims are in proper form and condition for patentability, and request a notification of allowance to that effect. The Examiner is hereby respectfully invited to contact the undersigned agent with any questions, comments or suggestions relating to this application.

Respectfully submitted,

Kibashi et al.

Date: 12/19/05 By:   
Matthew Zises (#47,246)  
Attorney for Applicant(s)  
Hitachi Global Storage Technologies  
Intellectual Property Law  
5600 Cottle Road (NHGB/142)  
San Jose, CA 95193  
(408) 717-6759